

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

GENERAL ELECTRIC CAPITAL)
CORPORATION,)
)
Plaintiff,)
)
v.)
)
BUNKER AIRCRAFT MANAGEMENT,)
INC., et al.,)
)
Defendants.)

Case No.: 1:08-CV-81-TLS

ORDER

On February 12, 2010, this Court issued a judgment against Defendants, Bunker Aircraft Management, Inc., Kruse, Inc., and Dean V. Kruse jointly and severally in the amount of \$1,683,077.40 with interest. On April 15, 2011, in subsequent proceedings supplemental, the magistrate judge issued a garnishment order directing Goldman, Sachs & Co., Inc. (Goldman Sachs) to pay certain funds held in a brokerage account owned by Dean V. Kruse to the Court for release to the Plaintiff in partial satisfaction of the judgment. The Plaintiff's Third Motion for Release of Garnishment Funds [ECF No. 105] prompted the filing of an Objection to the Third Motion for Release and other motions, including: a Motion to Intervene [ECF No. 114] by non-party NBH Bank, N.A.; and the Plaintiff's Motion to Strike Portions of the Sworn Statement of Kristin McGrade [ECF No. 120]. On August 16, 2013, the motions and the objection were referred to the undersigned for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

On October 18, 2013, Magistrate Judge Christopher A Nuechterlein issued a Report and Recommendation setting forth a recommendation that the Court grant the Plaintiff's Motion to

Strike [ECF No. 120] and thereby strike the Sworn Statement of Kristin McGrade [ECF No. 116-2], overrule McGrade Kruse's Objection [ECF No. 109] and grant the Plaintiff's Third Motion for Release of Garnishment Funds [ECF No. 105], and deny the third party bank's Motion to Intervene [ECF No. 114].

This Court's review of the Magistrate judge's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C) which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate with instructions.

Objections to the Magistrate's Judge's Report and Recommendations must be made within fourteen days of service of a copy of the Report. *Id.*; Fed. R. Civ. P. 72(b). No party has filed an objection to the Magistrate Judge's Report and Recommendation.

Upon review of the parties' submissions and the Report and Recommendation, the Court ACCEPTS the Report and Recommendation [ECF No. 123] in its entirety and thereby

- (1) GRANTS the Plaintiff's Motion to Strike [ECF No. 120] Kristin McGrade Kruse's Sworn Statement [ECF No. 116-2];
- (2) GRANTS the Plaintiff's Third Motion for Release of Garnishment Funds [ECF No. 105] and DIRECTS the Clerk of this Court to remit the June 2013 funds deposited with the Court by Goldman, Sachs & Co., Inc. [ECF No. 104] payable to the Plaintiff's counsel, ROTHBERG LOGAN & WARSCO LLP, P.O. BOX 11194, FORT WAYNE, IN 46856.;
and
- (3) DENIES NBH Bank's Motion to Intervene [ECF No. 114].

SO ORDERED on November 12, 2013.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT